

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

EDWARD A. BERMAN, on behalf of)	
himself and all others similarly situated,)	
)	Case No. 08 C 325
Plaintiff,)	
)	Judge Amy J. St. Eve
v.)	
)	Magistrate Judge Morton Denlow
IMNY, CHICAGO, LLC d/b/a Il Mulino,)	
)	
Defendant.)	

**AGREED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO FIRST
AMENDED COMPLAINT AND FILE AN APPEARANCE**

IMNY, CHICAGO, LLC (herein "Defendant"), requests this Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure for an enlargement time to file an Appearance and a responsive pleading to the Plaintiff's First Amended Complaint. In support thereof, Defendant states as follows:

1. On February 1, 2008, Plaintiff's filed their First Amended Complaint.
2. On February 13, 2008, on information and belief, an Alias Summons was served upon CT Corporation Systems, at 208 South, LaSalle Street, Chicago, Illinois, the Registered Agent of record for IMNY, CHICAGO, LLC, d/b/a Il Mulino New York.
3. Plaintiff did not receive a copy of the summons and complaint, or any notice of the filed action, until it received same via U.S. Mail on March 14, 2008 from another law firm.
4. On March 18, 2008, counsel for Defendant appeared before this Court, and was granted an additional 20 days to file an Appearance, and file an Answer or otherwise plead to Plaintiff's Complaint.

5. Defendant's counsel has determined that Defendant has insurance coverage for the claims made by Plaintiff and that Defendant's Insurers have a duty to Indemnify and Defend the Defendant in the above-captioned cause.

6. Pursuant to the applicable insurance policies, the Insurers have the right to designate counsel to defend this action, and any further actions taken by Defendant's current counsel of record without approval of the Insurers may prejudice the Defendant's rights under the insurance policies.

7. On March 25, 2008, Defendant sent a Notice of Claim and Demand to Indemnify and Defend to its Insurers, but has yet to receive a response.

8. Counsel for both parties have conferred on this issue, and have agreed to proceed on this motion on an uncontested basis.

9. Additionally, the filing of a joint status report should be tabled until all issues regarding Defendant's representation have been settled as Defendant does not want to take any action that could be considered prejudicial to its insurance carrier, and thus jeopardizing coverage.

10. The Appearance of John B. Wolf, of the law firm Regas, Frezados & Dallas, LLP, and the Defendant's Rule 7.1 Disclosure Statement are filed along with the instant motion.

Wherefore Defendant, IMNY, CHICAGO, LLC, requests that this Court grant its request for an additional 20 days for the filing of its Appearance and responsive pleading to the Plaintiff's First Amended Complaint, and for such further and other relief as this Court deems equitable and just.

Dated: April 2, 2008

IMNY, CHICAGO, LLC

By: s/ John B. Wolf (6287700)
Regas, Frezados & Dallas, LLP
Attorney for Defendant
111 W. Washington St., Suite 1525
Chicago, Illinois 60602

John B. Wolf (ARDC No. 6287700)
William D. Dallas (ARDC No. 618678)
Regas, Frezados & Dallas, LLP
Attorney for Defendant
111 W. Washington St., Suite 1525
Chicago, Illinois 60602
Phone (312) 236-4400